

TREATY ON INTERNATIONAL COOPERATION IN THE AREA OF PATENTS

From: INTERNATIONAL SEARCH AGENCY

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PCT

WRITTEN ACTION OF THE INTERNATIONAL SEARCH AGENCY (Rule 43bis 1 of the PCT)

Applicant's or Agent's File Ref. See Form PCT/ISA/220		Date Sent: (Month/Day/Year) See Form PCT/ISA/210 (page 2)
International Application No. PCT/EP2004/013581		FURTHER ACTION See Section 2 below.
International Filing Date (Month/Day/Year) November 30, 2004	Priority Date (Month/Day/Year) December 1, 2003	
International Patent Classification (IPC) or National Classification and IPC G02B 23/12, G02B 27/01, G02B 23/18		
Applicant DURNER, Andreas et al.		
<p>1. This report contains information on the following items:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Field No. I Basis of the report<input type="checkbox"/> Field No. II. Priority<input type="checkbox"/> Field No. III Failure to provide an opinion concerning novelty, inventive step, or commercial viability.<input type="checkbox"/> Field No. IV Lack of unity of the invention.<input checked="" type="checkbox"/> Field No. V Substantiated judgment under Article 35(2) concerning novelty, inventive step, or commercial viability; citations and explanations supporting this judgment.<input type="checkbox"/> Field No. VI Certain documents cited<input type="checkbox"/> Field No. V Certain defects in the international application<input type="checkbox"/> Field No. VI Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If an application for an international examination is filed, this action is to be considered a written action of the agency authorized to perform the international preliminary examination ("IPEA"); this is not the case if the applicant selects an agency other than this one as the IPEA and the selected IPEA has informed the International Office according to Rule 66,1bis b that written actions of this International Search Agency are not recognized.</p> <p>If this action, as provided above, is considered a written action of the IPEA, the applicant is requested to file a written opinion and any revisions which may be necessary with the IPEA within 3 months of the day on which Form PCT/ISA/220 was sent or within 22 months of the priority date, whichever is later.</p> <p>For additional options, see Form PCT/ISA/220.</p> <p>3. For additional details, see the Remarks concerning Form PCT/ISA/220.</p>		
Name and mailing address of the office assigned to perform the preliminary examination: European Patent Office D-80298 Munich Tel: +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465		Authorized Officer: Daffner, M. Tel: +49 89 2399-7087

**PRELIMINARY INTERNATIONAL REPORT
ON PATENTABILITY**

International File No.:
PCT/EP2004/013581

Field No. I. Basis of the Report

1. With respect to **language**, this Report is based on the international application in the language in which the application was filed, unless otherwise indicated in this section.
 - ☐ The Report is based on a translation from the original language to the following language, which is the language of the translation filed for the following purpose:
 - ☐ international search (under Rules 12.3 and 23.1(b)).
2. With regard to the **nucleotide and/or amino acid sequence** which has been disclosed in the international application and is required for the claimed invention, the action has been issued on the basis of the following:
 - a. Type of Material
 - ☐ sequence protocol
 - ☐ table(s) belonging to the sequence protocol
 - b. Form of the Material
 - ☐ in written form
 - ☐ in computer-readable form
 - c. Time of Submission
 - ☐ contained in the submitted international application
 - ☐ submitted together with the international application in computer-readable form
 - ☐ submitted to the Agency subsequently for the sake of the search
3. ☐ If more than one version or copy of a sequence protocol and/or of an associated table have been filed, the necessary declarations verifying that the information in the subsequently filed or additional copies agrees with or does not exceed the information in the application have also been submitted.
4. Additional Remarks:

**PRELIMINARY INTERNATIONAL REPORT
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Field No. V. Substantiated judgment according to Article 43bis1(a)(i) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this judgment.

1. Judgment

Novelty

Yes: Claims 3, 6-29
No: Claims 1, 2, 4, 5

Inventive Activity:

Yes: Claims
No: Claims 1-29

Commercial Viability:

Yes: Claims 1-29
No: Claims

2. Documents and Explanations:

See attached page.

The examination was based on the original version of the application documents.

The documents cited in the office action are numbered in the sequence in which they occur in the search report.

1. The characterizing clause of Claim 1 is unclear, because it is impossible to determine what the detectable image is and what "real relationships" are in a direct view without restriction. In addition, the expressions "dimensions of the displayed image" and the "working together" of the camera, the display means, and the eyepiece lens are vague. It is not clear how these components work together.

2. The electronic spectacles according to Claim 1 are anticipated, for example, by the electronic spectacles according to document D1 (EP 1 326 118 A2):

Document D1 discloses electronic spectacles comprising:

- an electronic camera with an objective lens and a CCD sensor;
- an image-processing unit, which processes the image recorded by the camera and sends an output signal to a display means assigned to each eye for reproduction of the image; and
- an eyepiece lens, which is downline from each display means (see page 11, lines 11-28),

where the camera, the display means, and the eyepiece lens are designed to work together in such a way that the dimensions of the displayed image which the user can detect during use correspond to the real relationships which the user would see in a direct view without restriction (see Figs. 6, and 8).

3. The following dependent claims do not contain any features which, in combination with the features of any of the claims to which they refer, fulfill the requirements of the PCT with respect to novelty or inventive activity. The reasons for this are as follows:
 - 3.1. Claim 2, concentric alignment, see document D1, Figs. 7 and 8.
 - 3.2. Claim 3, adjustable focus, is state of the art in the form of so-called "diopter adjustment". See also document D2, page 10, lines 4-10.
 - 3.3. Claims 4-5, two cameras: see document D1.
 - 3.4. Claims 7 and 8, fixed carrier: see, for example, document D2, Fig. 6.
 - 3.5. Claims 9-13 define details of the sensors which are more-or-less obvious for a night-vision module.
 - 3.6. Claims 14-23 appear to be conventional in the field of CCD technology.
 - 3.7. Claim 24: Synchronization appears necessary to reproduce a stereoscopic image. Thus synchronization does not appear to be inventive, even if it is not demanded explicitly in the document.
 - 3.8. Claim 25 defines standard image screens.
 - 3.9. Claims 26 and 27, battery, see document D2, Claim 20.
 - 3.10. Claim 28: display of additional information, see, for example, document D5 (WO 02/059654, page 23, line 31, to page 24, line 9).
 - 3.11. Claim 29, interface: see, for example, document D2, Claim 24, or document D4 (US 6,046,712).